

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-CR-00172-RJC

USA

v.

CLIFTON NELSON

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ORDER

**THIS MATTER** is before the Court upon the defendant's second motion for compassionate release. (Doc. No. 49).

The Court denied his previous motion because he had not first sought relief it through the warden at his facility as required by 18 U.S.C. § 3582(c)(1)(A). (Doc. No. 48: Order); See United States v. Raia, 954 F.3d 594, 595 (3d Cir. 2020) (failure to exhaust administrative remedy "presents glaring roadblock foreclosing compassionate release"). The defendant still has not shown he has exhausted his administrative remedies. (Doc. No. 49: Motion at 1). Additionally, without minimizing the risks COVID-19 poses to persons in custody, the defendant's fear of contracting the disease for a second time is not sufficient to show extraordinary and compelling reasons for his release. United States v. Blevins, --- F. App'x ---, 2020 WL 7691726, at \*1 (4th Cir. Dec. 28, 2020) (citing Raia, 954 F.3d at 597).

**IT IS, THEREFORE, ORDERED** that the defendant's motion for compassionate release, (Doc. No. 49), is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: January 14, 2021

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

